

REFERENCE TITLE: in-home personal care services agencies

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2609

Introduced by
Representatives Campbell CH: Lujan, Pancrazi, Tovar

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; AMENDING SECTIONS 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO IN-HOME PERSONAL CARE SERVICES AGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 11, to read:

4 CHAPTER 11

5 IN-HOME PERSONAL CARE SERVICES AGENCIES

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1301. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "AGENCY" MEANS AN IN-HOME PERSONAL CARE SERVICES AGENCY THAT IS
10 LICENSED PURSUANT TO THIS CHAPTER TO PROVIDE IN-HOME PERSONAL CARE SERVICES
11 TO CLIENTS BY AN IN-HOME PERSONAL CARE ATTENDANT.

12 2. "CLIENT" MEANS A PERSON WHO REQUESTS IN-HOME PERSONAL CARE SERVICES
13 FROM AN IN-HOME PERSONAL CARE SERVICES AGENCY IN THE PERSON'S PLACE OF
14 RESIDENCE.

15 3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

16 4. "IN-HOME PERSONAL CARE ATTENDANT" MEANS A PERSON WHO IS EMPLOYED BY
17 AN IN-HOME PERSONAL CARE SERVICES AGENCY TO ASSIST A CLIENT OR CLIENTS WITH
18 IN-HOME PERSONAL CARE SERVICES.

19 5. "IN-HOME PERSONAL CARE SERVICES":

20 (a) INCLUDES:

21 (i) ACTIVITIES OF DAILY LIVING.

22 (ii) AMBULATION.

23 (iii) TRANSFER.

24 (iv) TOILETING.

25 (v) PERSONAL HYGIENE.

26 (vi) FEEDING.

27 (vii) A REMINDER TO TAKE MEDICATION.

28 (viii) LETTER WRITING.

29 (ix) READING.

30 (x) MONITORING AND COMPANIONSHIP FOR A CLIENT WHO CANNOT SAFELY BE
31 LEFT ALONE.

32 (xi) LIGHT HOUSECLEANING, LAUNDRY AND FOOD PREPARATION.

33 (xii) ESSENTIAL ERRANDS, SUCH AS GROCERY SHOPPING AND SECURING MEDICAL
34 SUPPLIES AND HOUSEHOLD ITEMS.

35 (xiii) PROVIDING INTERMITTENT ASSISTANCE WITH A CLIENT'S PERSONAL AND
36 PHYSICAL NEEDS, SUCH AS WASHING HAIR, BATHING AND DRESSING.

37 (b) DOES NOT INCLUDE:

38 (i) SERVICES PROVIDED BY A LICENSED HEALTH CARE INSTITUTION TO ITS
39 PATIENTS.

40 (ii) SERVICES THAT REQUIRE THE ORDER OF A HEALTH CARE PROFESSIONAL TO
41 BE LAWFULLY PERFORMED.

42 (iii) SKILLED MEDICAL SERVICES THAT MUST BE PERFORMED BY A PERSON WHO
43 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

1 (iv) HOME HEALTH SERVICES PROVIDED BY HOME HEALTH AGENCIES. FOR THE
2 PURPOSES OF THIS ITEM, "HOME HEALTH SERVICES" HAS THE SAME MEANING PRESCRIBED
3 IN SECTION 36-151.

4 36-1302. In-home personal care services agencies; licensure;
5 application; exemptions

6 A. BEGINNING JULY 1, 2010, AN AGENCY THAT WISHES TO PROVIDE IN-HOME
7 PERSONAL CARE SERVICES MUST HAVE A CURRENT LICENSE ISSUED BY THE DEPARTMENT.
8 EACH APPLICANT FOR LICENSURE MUST SUBMIT AN APPLICATION TO THE DEPARTMENT ON
9 A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT AND MUST INCLUDE WITH THE
10 APPLICATION AN INITIAL APPLICATION FEE PRESCRIBED BY THE DEPARTMENT BY RULE.
11 THE APPLICATION MUST CONTAIN:

12 1. THE NAME AND LOCATION OF THE AGENCY.

13 2. THE NAME OF THE PERSON WHO OWNS THE AGENCY AND THE NAME OF THE
14 PERSON WHO DIRECTS OR MANAGES THE AGENCY.

15 3. OTHER INFORMATION THE DEPARTMENT DETERMINES NECESSARY TO PROCESS
16 THE APPLICATION.

17 B. THE DEPARTMENT SHALL ISSUE A LICENSE TO EACH APPLICANT IT
18 DETERMINES MEETS THE REQUIREMENTS OF THIS CHAPTER AND RULES ADOPTED BY THE
19 DEPARTMENT PURSUANT TO THIS CHAPTER. THE DIRECTOR MAY DENY A LICENSE IF AN
20 APPLICANT OR ANYONE IN A BUSINESS RELATIONSHIP WITH THE APPLICANT, INCLUDING
21 CONTROLLING PERSONS, HAS HAD A LICENSE TO OPERATE A HEALTH CARE INSTITUTION
22 DENIED, REVOKED OR SUSPENDED OR A LICENSE OR CERTIFICATE ISSUED BY A HEALTH
23 PROFESSION REGULATORY BOARD PURSUANT TO TITLE 32 OR ISSUED BY A STATE AGENCY
24 PURSUANT TO CHAPTER 6, ARTICLE 7 OR CHAPTER 17 OF THIS TITLE DENIED, REVOKED
25 OR SUSPENDED OR HAS A LICENSING HISTORY OF RECENT SERIOUS VIOLATIONS
26 OCCURRING IN THIS STATE OR IN ANOTHER STATE THAT POSED A DIRECT RISK TO THE
27 LIFE, HEALTH OR SAFETY OF PATIENTS OR RESIDENTS.

28 C. A REGULAR LICENSE IS VALID FOR UP TO TWO YEARS AND MAY BE RENEWED
29 ON PAYMENT OF AN APPLICATION FOR RENEWAL FEE PRESCRIBED BY THE DIRECTOR BY
30 RULE IF THE AGENCY IS IN SUBSTANTIAL COMPLIANCE WITH THIS CHAPTER AND RULES
31 ADOPTED PURSUANT TO THIS CHAPTER.

32 D. A PERSON WHO OPERATES AN AGENCY MUST DISPLAY IN A PROMINENT PLACE
33 IN THE AGENCY THE LICENSE ISSUED PURSUANT TO THIS SECTION.

34 E. THE DEPARTMENT SHALL MAKE A LIST OF AGENCIES LICENSED PURSUANT TO
35 THIS SECTION AVAILABLE TO THE PUBLIC ON REQUEST.

36 F. THE FOLLOWING ARE EXEMPT FROM THE LICENSURE REQUIREMENTS OF THIS
37 SECTION:

38 1. AN INDIVIDUAL WHO INDEPENDENTLY PROVIDES IN-HOME PERSONAL CARE
39 SERVICES AND WHO DOES NOT CONTRACT WITH OR IS NOT EMPLOYED BY AN AGENCY THAT
40 PROVIDES IN-HOME PERSONAL CARE SERVICES.

41 2. A RELIGIOUS CORPORATION, CHURCH OR RELIGIOUS SOCIETY OR
42 DENOMINATION THAT PROVIDES IN-HOME PERSONAL CARE SERVICES ON A VOLUNTEER
43 BASIS.

1 3. AN INDIVIDUAL WHO PROVIDES IN-HOME PERSONAL CARE SERVICES ON A
2 VOLUNTEER BASIS WITHOUT COMPENSATION OTHER THAN REIMBURSEMENT OF ACTUAL
3 EXPENSES INCURRED.

4 4. CONTRACTORS THAT PROVIDE SERVICES TO PERSONS WITH DEVELOPMENTAL
5 DISABILITIES PURSUANT TO CHAPTER 5.1 OF THIS TITLE.

6 36-1303. Fees; deposit

7 A. THE DIRECTOR BY RULE SHALL ESTABLISH FEES FOR CONDUCTING ON-SITE
8 INSPECTIONS, EVALUATIONS AND VERIFICATIONS OF INFORMATION SUBMITTED WITH AN
9 APPLICATION AND OTHER ACTIVITIES RELATED TO LICENSURE OF AGENCIES PURSUANT TO
10 THIS CHAPTER.

11 B. THE DEPARTMENT SHALL DEPOSIT FEES COLLECTED PURSUANT TO THIS
12 CHAPTER IN THE IN-HOME PERSONAL CARE SERVICES REGULATION FUND ESTABLISHED BY
13 SECTION 36-1312.

14 36-1304. Employees; fingerprinting; background investigations

15 A. AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF AN AGENCY AND
16 AS A CONDITION OF EMPLOYMENT BY AN AGENCY, EACH AGENCY OWNER AND MANAGER AND
17 EACH IN-HOME PERSONAL CARE ATTENDANT MUST HAVE A VALID FINGERPRINT CLEARANCE
18 CARD THAT IS ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR MUST
19 APPLY FOR A FINGERPRINT CLEARANCE CARD WITHIN TWENTY WORKING DAYS AFTER
20 EMPLOYMENT.

21 B. FOR NEW EMPLOYEES HIRED FROM AND AFTER JUNE 30, 2010, EACH AGENCY
22 OWNER MUST DOCUMENT THE OWNER'S GOOD FAITH EFFORT TO:

23 1. CONTACT PREVIOUS EMPLOYERS TO OBTAIN INFORMATION OR RECOMMENDATIONS
24 THAT MAY BE RELEVANT TO A PERSON'S FITNESS TO PROVIDE IN-HOME PERSONAL CARE
25 SERVICES.

26 2. VERIFY THE CURRENT STATUS OF A PERSON'S FINGERPRINT CLEARANCE CARD.

27 C. AN AGENCY SHALL NOT ALLOW A PERSON TO CONTINUE TO PROVIDE IN-HOME
28 PERSONAL CARE SERVICES IF THE PERSON HAS BEEN DENIED A FINGERPRINT CLEARANCE
29 CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

30 D. NOTWITHSTANDING THE REQUIREMENTS OF SECTION 41-1758.02, SUBSECTION
31 B, A PERSON WHO PROVIDES IN-HOME PERSONAL CARE SERVICES AFTER MEETING THE
32 FINGERPRINTING AND CRIMINAL RECORDS CHECK REQUIREMENTS OF THIS SECTION IS NOT
33 REQUIRED TO MEET THE FINGERPRINTING AND CRIMINAL RECORDS CHECK REQUIREMENTS
34 OF THIS SECTION AGAIN IF THAT PERSON REMAINS EMPLOYED BY THE SAME EMPLOYER OR
35 CHANGES EMPLOYMENT WITHIN TWO YEARS AFTER SATISFYING THE REQUIREMENTS OF THIS
36 SECTION. FOR THE PURPOSES OF THIS SUBSECTION, IF THE EMPLOYER CHANGES
37 THROUGH SALE, LEASE OR OPERATION OF LAW, A PERSON IS DEEMED TO BE EMPLOYED BY
38 THE SAME EMPLOYER IF THAT PERSON REMAINS EMPLOYED BY THE NEW EMPLOYER.

39 E. IF A PERSON'S EMPLOYMENT RECORD CONTAINS A SIX MONTH OR LONGER TIME
40 FRAME DURING WHICH THE PERSON WAS NOT EMPLOYED BY ANY EMPLOYER TO PROVIDE
41 IN-HOME PERSONAL CARE SERVICES, THE PERSON SHALL SUBMIT A COMPLETED
42 APPLICATION WITH A NEW SET OF FINGERPRINTS TO THE DEPARTMENT OF PUBLIC
43 SAFETY.

44 F. A HEALTH PROFESSIONAL WHO HAS A VALID FINGERPRINT CLEARANCE CARD AS
45 A CONDITION OF LICENSURE OR CERTIFICATION BY A HEALTH PROFESSION REGULATORY

1 BOARD PURSUANT TO TITLE 32 IS NOT REQUIRED TO SUBMIT AN ADDITIONAL SET OF
2 FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS SECTION.

3 36-1305. Competency test; continuing education; training;
4 documentation

5 A. AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF AN AGENCY AND
6 AS A CONDITION OF EMPLOYMENT BY AN AGENCY, EACH IN-HOME PERSONAL CARE
7 ATTENDANT MUST DO BOTH OF THE FOLLOWING:

8 1. PASS A COMPETENCY TEST THAT IS DESIGNED AND ADMINISTERED BY THE
9 AGENCY. AN ATTENDANT WHO DOES NOT PASS THE COMPETENCY TEST MUST PARTICIPATE
10 IN AN EIGHT HOUR TRAINING PROGRAM DESIGNED AND ADMINISTERED BY THE AGENCY.
11 THE COMPETENCY TEST MUST BE APPROVED BY THE DEPARTMENT AND MUST COMPLY EITHER
12 WITH MINIMUM STANDARDS PRESCRIBED BY THE DEPARTMENT OR WITH ARIZONA LONG-TERM
13 CARE SYSTEM GUIDELINES.

14 2. COMPLETE A CONTINUING EDUCATION REQUIREMENT OF TEN HOURS PER YEAR
15 AS PRESCRIBED BY THE DEPARTMENT BY RULE. THE DEPARTMENT MAY GRANT AN
16 EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS ON A DEMONSTRATION OF GOOD
17 CAUSE AS DETERMINED BY THE DEPARTMENT. THE AGENCY SHALL SUBMIT PROOF THAT
18 EACH OF ITS ATTENDANTS HAS MET THE CONTINUING EDUCATION REQUIREMENT IN A
19 MANNER PRESCRIBED BY THE DEPARTMENT BY RULE.

20 B. EACH AGENCY SHALL PROVIDE FOUR HOURS OF IN-SERVICE TRAINING
21 ANNUALLY TO ALL IN-HOME PERSONAL CARE ATTENDANTS.

22 C. EACH AGENCY SHALL MAINTAIN RECORDS TO DOCUMENT THE AGENCY'S
23 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

24 D. THE DIRECTOR MAY:

25 1. PRESCRIBE BY RULE STANDARDS FOR THE COMPETENCY TEST AND THE
26 TRAINING PROGRAM REQUIRED PURSUANT TO THIS SECTION.

27 2. GRANT, DENY, SUSPEND OR REVOKE APPROVAL OF AN AGENCY'S COMPETENCY
28 TEST OR TRAINING PROGRAM.

29 3. IMPOSE A CIVIL PENALTY PURSUANT TO SECTION 36-1311 FOR THE USE OF A
30 COMPETENCY TEST OR TRAINING PROGRAM THAT HAS NOT BEEN APPROVED BY THE
31 DEPARTMENT.

32 36-1306. Inspections

33 A. EVERY TWO YEARS, ON LICENSE RENEWAL, THE DEPARTMENT MAY CONDUCT
34 INSPECTIONS OF ANY AGENCY AND WORK SITE TO CONFIRM THE AGENCY'S COMPLIANCE
35 WITH THE REQUIREMENTS OF THIS CHAPTER AND DEPARTMENT RULES.

36 B. THE DEPARTMENT ON ITS OWN MOTION, OR PURSUANT TO A COMPLAINT FROM
37 THE PUBLIC, MAY INVESTIGATE ANY EVIDENCE THAT A LICENSEE HAS VIOLATED THIS
38 CHAPTER. THE DEPARTMENT SHALL ESTABLISH A SYSTEM TO TRACK ALL COMPLAINTS IT
39 RECEIVES.

40 C. SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF CHAPTER 4, ARTICLES
41 4 AND 5 OF THIS TITLE, TITLE 12, CHAPTER 13, ARTICLE 7.1 AND SECTION 12-2235,
42 THE LICENSEE SHALL KEEP CURRENT DEPARTMENT INSPECTION REPORTS AT THE AGENCY.
43 UNLESS FEDERAL LAW REQUIRES OTHERWISE, THE LICENSEE SHALL CONSPICUOUSLY POST
44 A NOTICE THAT IDENTIFIES THE LOCATION AT THAT AGENCY WHERE THE INSPECTION
45 REPORTS ARE AVAILABLE FOR REVIEW.

1 36-1310. Violation: classification
2 A. A PERSON WHO OPERATES AN AGENCY WITHOUT HAVING A CURRENT LICENSE
3 ISSUED PURSUANT TO THIS CHAPTER IS GUILTY OF A CLASS 3 MISDEMEANOR.
4 B. EACH DAY A VIOLATION CONTINUES CONSTITUTES A SEPARATE VIOLATION.
5 36-1311. Civil penalties
6 A. THE DIRECTOR MAY ASSESS AND COLLECT A CIVIL PENALTY OF NOT MORE
7 THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION OF THIS CHAPTER OR A RULE
8 ADOPTED PURSUANT TO THIS CHAPTER. EACH DAY A VIOLATION OCCURS CONSTITUTES A
9 SEPARATE VIOLATION.
10 B. THE DIRECTOR MAY ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES THE
11 AMOUNT OF THE CIVIL PENALTY.
12 C. AN AGENCY MAY APPEAL THE ASSESSMENT OF A CIVIL PENALTY BY
13 REQUESTING A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF A CIVIL
14 PENALTY IS APPEALED, THE DIRECTOR SHALL NOT TAKE FURTHER ACTION TO ENFORCE OR
15 COLLECT THE ASSESSMENT UNTIL AFTER THE HEARING.
16 D. WHEN DETERMINING THE AMOUNT OF THE CIVIL PENALTY, THE DIRECTOR
17 SHALL CONSIDER THE FOLLOWING:
18 1. IF THE AGENCY REPEATEDLY VIOLATED THIS CHAPTER.
19 2. IF THERE IS A PATTERN OF NONCOMPLIANCE.
20 3. THE TYPE OF VIOLATION.
21 4. THE SEVERITY OF THE VIOLATIONS.
22 5. THE POTENTIAL FOR AN OCCURRENCE OF HARM.
23 6. THE THREAT TO HEALTH AND SAFETY.
24 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATION.
25 8. THE NUMBER OF VIOLATIONS.
26 9. THE DURATION OF THE VIOLATION.
27 E. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY SHALL BRING AN ACTION
28 TO ENFORCE THE COLLECTION OF A CIVIL PENALTY IN THE NAME OF THIS STATE IN THE
29 JUSTICE COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION
30 OCCURRED.
31 F. THE DIRECTOR SHALL TRANSMIT CIVIL PENALTIES COLLECTED PURSUANT TO
32 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT IN THE STATE GENERAL FUND.
33 36-1312. In-home personal care services regulation fund
34 A. THE IN-HOME PERSONAL CARE SERVICES REGULATION FUND IS ESTABLISHED
35 CONSISTING OF FEES COLLECTED PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL
36 ADMINISTER THE FUND. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS
37 35-146 AND 35-147, ALL MONIES IT RECEIVES PURSUANT TO THIS CHAPTER IN THE
38 FUND.
39 B. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND
40 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
41 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.
42 C. MONIES IN THE FUND ARE SUBJECT TO SECTION 35-143.01.

1 Sec. 2. Section 41-1758, Arizona Revised Statutes, is amended to read:
2 41-1758. Definitions
3 In this article, unless the context otherwise requires:
4 1. "Agency" means the supreme court, the department of economic
5 security, the department of education, the department of health services, the
6 department of juvenile corrections, the department of emergency and military
7 affairs, the board of fingerprinting or the board of examiners of nursing
8 care institution administrators and assisted living facility managers.
9 2. "Division" means the fingerprinting division in the department of
10 public safety.
11 3. "Good cause exception" means the issuance of a fingerprint
12 clearance card to an employee pursuant to section 41-619.55.
13 4. "Person" means a person who is required to be fingerprinted
14 pursuant to any of the following:
15 (a) Section 8-105.
16 (b) Section 8-322.
17 (c) Section 8-509.
18 (d) Section 8-802.
19 (e) Section 15-183.
20 (f) Section 15-534.
21 (g) Section 15-1330.
22 (h) Section 15-1881.
23 (i) Section 26-103.
24 (j) Section 36-411.
25 (k) Section 36-425.03.
26 (l) Section 36-446.04.
27 (m) Section 36-594.01.
28 (n) Section 36-594.02.
29 (o) Section 36-882.
30 (p) Section 36-883.02.
31 (q) Section 36-897.01.
32 (r) Section 36-897.03.
33 (s) SECTION 36-1304.
34 ~~(s)~~ (t) Section 36-3008.
35 ~~(t)~~ (u) Section 41-619.52.
36 ~~(u)~~ (v) Section 41-619.53.
37 ~~(v)~~ (w) Section 41-1964.
38 ~~(w)~~ (x) Section 41-1967.01.
39 ~~(x)~~ (y) Section 41-1968.
40 ~~(y)~~ (z) Section 41-1969.
41 ~~(z)~~ (aa) Section 41-2814.
42 ~~(aa)~~ (bb) Section 46-141, subsection A.
43 ~~(bb)~~ (cc) Section 46-321.
44 5. "Vulnerable adult" has the same meaning prescribed in section
45 13-3623.

1 Sec. 3. Section 41-1758.01, Arizona Revised Statutes, is amended to
2 read:

3 41-1758.01. Fingerprinting division; duties

4 The fingerprinting division is established in the department of public
5 safety and shall:

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking employment with licensees, contract providers and state
8 agencies or seeking employment or educational opportunities with agencies
9 that require fingerprint background checks pursuant to sections 8-105, 8-322,
10 8-509, 8-802, 15-183, 15-534, 15-1330, 15-1881, 26-103, 36-411, 36-425.03,
11 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
12 36-1304, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969
13 and 41-2814, section 46-141, subsection A and section 46-321.

14 2. Issue fingerprint clearance cards. On issuance, a fingerprint
15 clearance card becomes the personal property of the cardholder and the
16 cardholder shall retain possession of the fingerprint clearance card.

17 3. On submission of an application for a fingerprint clearance card,
18 collect the fees established by the board of fingerprinting pursuant to
19 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
20 monies collected in the board of fingerprinting fund.

21 4. Inform in writing each person who submits fingerprints for a
22 fingerprint background check of the person's right to petition the board of
23 fingerprinting for a good cause exception pursuant to section 41-1758.03.

24 5. Administer and enforce this article.

25 Sec. 4. Performance audit; report

26 A. On or before October 1, 2012, the auditor general shall complete a
27 performance audit, as defined in section 41-1278, Arizona Revised Statutes,
28 of the regulation of in-home personal care services agencies by the
29 department of health services.

30 B. The auditor general shall issue a public report of the performance
31 audit, including findings and specific recommendations for statutory and
32 administrative changes to improve or eliminate the department's regulation of
33 in-home personal care services agencies. The auditor general shall submit
34 copies of the report to the governor, the president of the senate, the
35 speaker of the house of representatives, the secretary of state and the
36 director of the Arizona state library, archives and public records.